

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 11-20398-BC  
Honorable Thomas L. Ludington

ZACHARY STEVEN McCLUSKY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION,  
ACCEPTING DEFENDANT'S GUILTY PLEA, AND TAKING  
THE RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on October 17, 2011, by U.S. Magistrate Judge Charles E. Binder pursuant to the Defendant's consent. The magistrate judge issued his report (ECF No. 20) on October 18, 2011, recommending acceptance of Defendant's guilty plea. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 20) is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea as to the sole count of the amended indictment is **ACCEPTED**, and the Rule 11 Plea Agreement (ECF No. 19) is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: November 7, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 7, 2011.

s/Tracy A. Jacobs  
TRACY A. JACOBS